



Tapuitema

...ina ia manino le folauā.

Official American Samoa Government Weekly Newsletter



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In This Issue:

**ASCC Students
Triumph at
Broadway
Theatre Project
Pg. 2**

**New school
year began
with later class
schedule
Pg. 3**

**Former DOE
director
Malaetele
Tuitele
honored with
posthumous
award from
PREL
Pg. 5**

**Governor
Togiola
explains
situation
regarding
money used for
school bus
purchase
Pg. 5**

**Historical Notes
& much, much
more...**

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news,
information
and much,
much, more
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Governor submits proposal for the establishment of an Economic Development Fund

Governor Togiola Tulafono has submitted to the Fono a proposed bill that is similar to the one initiated by the Senate but was vetoed by him earlier this year because of its language.

The Governor's proposal calls for the establishment of an Economic Development Fund for \$10 million to assist the Development Bank of American Samoa in achieving its purpose of promoting private enterprise and developing the local economy.

Through a letter, Togiola told Fono leaders that the Fund will be administered by DBAS for the benefit of the public.

Togiola said he expressed concerns with the prior bill that was submitted to him for approval during the previous Fono session, but the revised bill "addresses those concerns and provides safeguards which will allow a greater degree of flexibility with regard to tax liability for the American Samoa Government."

He added, "With these new revisions, I am pleased to submit this bill once again for consideration by the Fono in this current session."

The previous bill also proposed the establishment of an Economic Development Fund but that one called for an annual appropriation of \$1 for DBAS, to be funded with the Income Reserve Account which is used to pay out tax refunds.

(Current law provides that 25% of all corporate taxes are deposited into the Income Reserve Account until the net balance reaches \$1 million).

The previous bill would have amended the law by requiring that, in addition to corporate taxes, 25% of other income taxes from partnerships, joint ventures, limited liability companies, and other business entities be deposited into the Income Reserve Account, to provide more funding.

But Togiola's proposal, which also names the funding source as the Income Reserve Account along with the same changes proposed by the Senate in the previous bill, adds a provision stating that proceeds from the 25% of all income taxes from the different types of aforementioned businesses be deposited into the Economic Development Fund until it is

fully funded.

At the end of each calendar year, these funds will be remitted to the Development Bank.

Togiola's proposal states that all income from investments from the Fund shall be credited to the account, and shall be available for reinvestment. In addition, the reserve account shall constitute a trust fund whereby refunds and other adjustments shall be made in favor of any corporation, partnership, joint venture, limited liability company, or other business entity subjected to the Samoan Income Tax Act.

Lastly, the Governor's proposal states that the reserve account shall be reimbursed by continued collection and the 25% set aside from the different types of businesses already named. This will continue until the net balance in the reserve account reaches the established amount of \$10 million.

The proposal will be put into bill format and could be introduced in the Senate and the House as early as next week.

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ASCC Students Triumph Once Again at Broadway Theatre Project

By James Kneubuhl, ASCC Press Officer

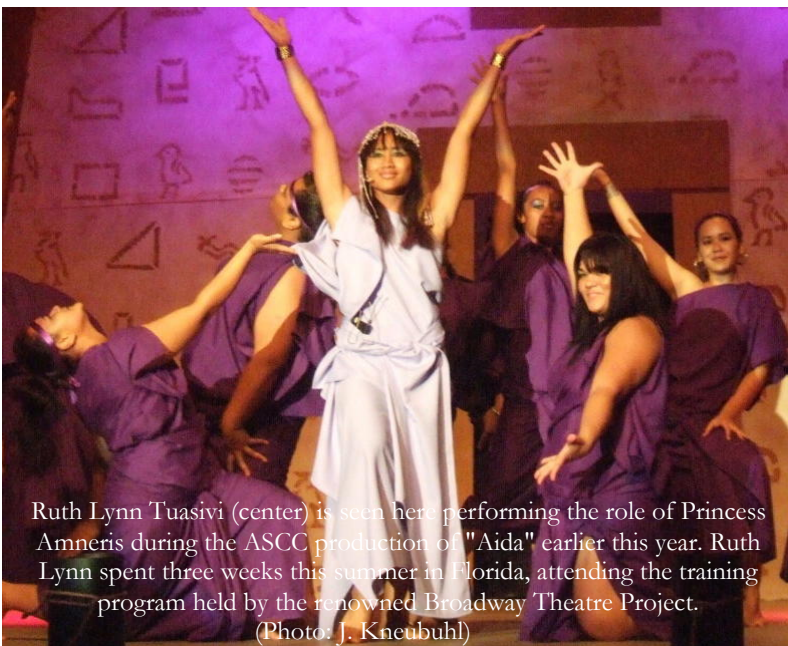
With the new semester now underway at the American Samoa Community College (ASCC), word has gotten back from the latest group of its students who attended the Broadway Theatre Project (BTP) training program in Tampa Bay, Florida this past July. After submitting audition tapes during the spring, Daniel Helsham, Milton Manase, Johnny Saelua, Fa'afetai Shane Ta'afua and Ruth Lynn Tuasivi all achieved acceptance into the rigorous three-week tutorial on the arts of singing, dancing and acting. The students fundraised for months to pay for their travel and tuition, and in return received training under some of the most influential figures in the theatrical world, alongside approximately 200 other fledgling performers from across the United States. Besides the students and instructors, the BTP also attracts numerous directors, producers, and talent agents from the theatrical world, all on the lookout for emerging talent.

So how did the group from American Samoa perform in such esteemed company? "After our first three students from the College made it to the BTP last year, the faculty took a special interest in us," said dance and drama instructor Carmela Gallace, traveled with the ASCC students. "After seeing the five who went this summer, the BTP now recognizes ASCC as an institution that produces world-class performing artists." While Gallace's account may sound over-optimistic, she recalls how the prominent casting agent Jay Binder immediately expressed an interest after witnessing a performance by one of her students. "His agency, Binder Casting, has contributed to the plays 'The Lion King', 'A Chorus Line', 'Grease', and the list goes on. They also cast the films 'Chicago', 'Dreamgirls', 'Hairspray', and many more. After seeing and hearing Shane Ta'afua during a preliminary BTP audition, Binder approached Shane and said he wanted him to audition for a role in 'The King and I', a classic musical that producers plan to revive on Broadway next year."

Aside from the meeting with Binder, Ta'afua enjoyed working with the celebrated professionals who served as BTP instructors. "Observing how they approach performance and apply creativity really gave me a fresh perspective," he said, "and I feel excited about learning all I can in this field." Ta'afua also spoke with representatives at the BTP from the Boston Conservatory about continuing his studies at that institution's Fine Arts Department. "I'll take things one step at a time," he reasoned. "First, I'll see where this opportunity with Jay Binder leads. Either way, I still have a strong interest in studying with the Boston Conservatory." As luck would have it, Ta'afua has a previous familiarity with "The King and I", from which he had performed a scene during the local Speech Festival while in high school. He will have the chance to explore the play further when ASCC presents "The King and I" as its fall 2008 stage production later this semester.

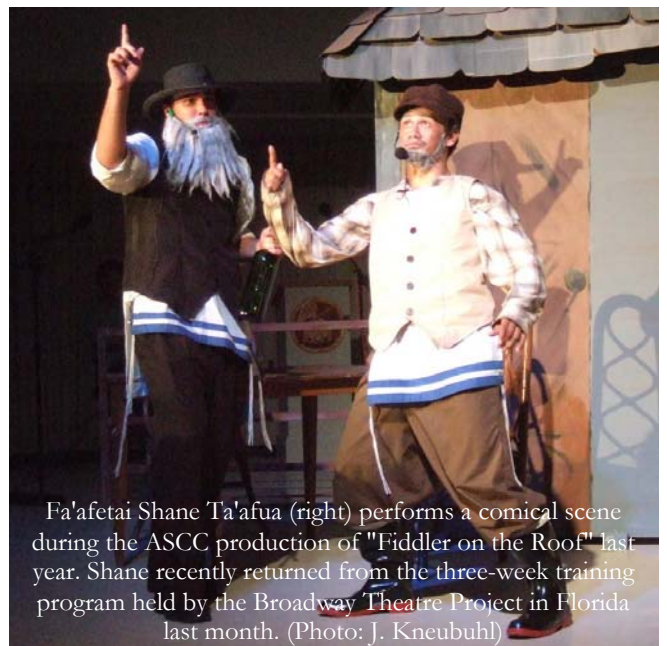
The other ASCC students had adventures of their own at the BTP which they excitedly relayed. From among the large number of students, the BTP organizers chose Ruth Lynn Tuasivi to sing one of the only big solo numbers in the program's final public performances before a paying audience of close to 3000. Tuasivi chose the song "Mama Will Provide" from the play "Once On This Island". For the same show, the BTP also selected Milton Manase to perform a comedic and vocal solo which "had the entire audience rolling in their seats" according to Gallace, while Johnny Saelua turned in an impressive rendition of the song "Black and Blue" from the musical "Ain't Misbehaving". Dave Clemmons, a seasoned Broadway performer currently working as a casting agent, selected Daniel Helsham to perform in a separate program of gospel music.

Describing the two-week program as "intense", Manase also recalled, "I really felt welcomed by the students and faculty. I liked the improvisation, especially in songwriting class. (Continued on page 11)



Ruth Lynn Tuasivi (center) is seen here performing the role of Princess Amneris during the ASCC production of "Aida" earlier this year. Ruth Lynn spent three weeks this summer in Florida, attending the training program held by the renowned Broadway Theatre Project.

(Photo: J. Kneubuhl)



Fa'afetai Shane Ta'afua (right) performs a comical scene during the ASCC production of "Fiddler on the Roof" last year. Shane recently returned from the three-week training program held by the Broadway Theatre Project in Florida last month. (Photo: J. Kneubuhl)

New school year began with later class schedule

The Department of Education announced that the new school year, which began on Monday, August 25, came with a new schedule that gives public school kids in different classes an extra 30 minutes.

Students in the elementary grade levels that used to start their morning at 7:30 a.m. will now begin lessons at 8 a.m. while high school students will begin at 8:30 a.m. instead of 8 a.m. as has been the usual schedule in years past.

The new classroom schedule is part of DOE's efforts to enhance student attendance and performance by giving them an extra 30 minutes of sleep time.

The new schedule means that classes will conclude 30 minutes later than usual.

The decision was made last Thursday during a meeting of administrators, assistant directors, program directors, and other DOE officials at the Tafuna High School campus.

Apparently, DOE has been contemplating the change for quite some time now, and the majority of those who attended the DOE training and workshop agreed with the new schedule.

The change is being implemented as DOE refers to research conducted in the United States which reveals that students who get adequate rest perform better and are more alert in the classrooms throughout the day.

Director of Education says teacher reclassification is based on information on file

Local school teachers who gathered at the Samoana High School gymnasium yesterday during DOE's general assembly not only received words of encouragement for the upcoming school year from Governor Togiola Tulafono and Territorial Teacher of the Year Patricia Tuimaleali'ifano-Fuiava, they also received an update on their reclassification from Director of Education Dr. Claire Poumele.

According to Poumele, the task force working on the reclassification is finding it difficult to assess individual teachers as they aim to offer each teacher a fair wage increase.

Poumele explained that the teacher pay raises will reflect the information contained in each educator's file at DOE, and salary increases will be based on merit, performance, and some attendance.

(It was noted that some teachers missed anywhere from 30-50 days of work in a single school year).

Poumele encouraged any and all teachers who have questions about the reclassification to stop by the DOE main office in Utulei.

During his speech, Governor Togiola Tulafono announced that he was informed by the Treasury Department that teacher paychecks reflecting their raise(s) will be ready on Friday, August 22.

New two-story building for Manulele Tausala Elementary School breaks ground

Governor Togiola Tulafono was joined by Cabinet members, Senator Tago Afeleti and Rep. Taotasi Archie Soliai for a groundbreaking ceremony held this morning at Manulele Tausala Elementary School in Nu'uuli.

According to Director of Education Dr. Claire Poumele, the new building will complete the school. She explained that it has been common practice for Nu'uuli residents to send their children to Tafuna Junior High School when they reach levels 5-8 as Manulele only goes up to fourth grade.

However, with the construction of the new two-story building, Poumele said Nu'uuli residents can now look forward to having a complete elementary school from levels 1-8 within their own village, on the campus of Manulele Tausala.

Funding for the project, which costs an estimated \$1.5 million, is being provided by the Department of Interior/Capital Improvement Projects fund.

Isitolo Wulf has been contracted to carry out the job which is scheduled to last 300 calendar days.

Governor Togiola Tulafono emphasized during his speech that the new building is a part of "Learning Communities" at work, saying that everyone has a responsibility – from the cooks in the cafeteria to himself, the Governor of American Samoa, and everyone in between. "These are all learning communities at work," he said.

"Everyone has a responsibility," the Governor said. "And no matter how big or small it might be, it all contributes to making education complete."

ASEPA continues to spread the word about safe bottled water

The American Samoa Environmental Protection Agency (ASEPA) continues to do what it can to educate the territory's residents on ways to ensure that the water they are bottling from different water vending machines located across the territory is safe for consumption.

Through a public advertisement, the ASEPA is encouraging everyone to clean out their empty bottles thoroughly before filling them up with water from the machines.

Also, if the machine is not clean, do not use it.

Examples of dirty machines include those with algae on the spout or on the shelf.

Consumers are encouraged to look out for unsanitary conditions on or near the water machines. If any are present, move to another machine as the health of your family depends on it.

Territory's Beijing artists meet with Governor to share their experiences

The delegation of young local artists that traveled to Beijing, China to join internationally renowned marine life artist Wyland in an unprecedented global art project returned last month and met with Governor Togiola Tulafono this week to talk about their experiences.

The trio was among thousands of young artists from around the globe that came together to produce an image celebrating the world's waters. The art project, titled 'Hands Across the Ocean', took place in Beijing, China last month with the painting of an epic mural spanning nearly two miles — with canvasses representing the United Nations and Olympic member countries.

While in Beijing, Wyland reiterated the comments he made when he visited the territory by noting that American Samoa has some of the most talented youth artists in the world.

(Continued on page 10)

Governor submits legislation for supplemental appropriation for off-island referral program

Governor Togiola Tulafono has submitted to the Fono a proposed measure that calls for the appropriation of \$1.3 million for the FY 2007 budget of the LBJ Medical Center to cover the overrun of the off-island medical referral program.

Togiola, in a letter to the Fono leadership, urged "speedy passage" of what he called "important legislation."

The legislation names the funding source for the supplemental budget as unexpended and un-obligated revenue of the American Samoa Government from FY 2008, and subsequent years thereafter.

The LBJ Medical Center's FY 2008 budget proposal to the Administration requested about \$3.44 million for the off-island referral program. A little over \$1 million of the requested amount was proposed to go towards paying the budget overrun from FY 2007.

However, the Administration cut the total budget request to \$2.5 million when the FY 2008 budget was submitted to the Fono for approval last year.

HISTORICAL NOTES

By: Stan Sorensen, Historian, Office of the Governor

On August 25, 1920, His Royal Highness the Prince of Wales (later King Edward VIII, and, following his abdication in 1936, the Duke of Windsor) visited Western Samoa aboard HMS *Renown*, a 32,700-ton battlecruiser, completed in September, 1916. *Renown* mounted six 15-inch, seventeen 4-inch and two 3-inch guns, and was the tenth British ship to bear that name. (The first was launched in 1651). "When local matrons heard he was still a bachelor, they organized a gala reception at the British Club to introduce him to their eligible daughters. If European royalty were so keen on this island, why not catch a prince? As it turned out, the royal lad was a very shy young fellow."

On August 26, 2002, the three Hawaii Marines who were killed in combat in the Vietnam War were honored when three streets at a new housing project at the Kaneohe Bay base were named for them. American Samoan Marine Sergeant Sisifo Faleafine enlisted in 1962, following in the footsteps of his father, who was also a Marine. He was born in American Samoa and later, when his family moved to Honolulu, attended McKinley High School. Faleafine enlisted in the Marine Corps in 1962 and served as an infantryman in Company B, 1st Battalion, 3rd Marine Regiment, 3rd Marine Division. "He wanted to make it a career," said his widow, Leetha. "He was just doing his job and taking care of his young family that we were just starting."

On August 27, 1891, on Tutuila, the U.S. Government purchased "Parcel No. 4," Sogelau Ridge (1 acre, 1 rod, 24 perches: the American flag was raised there on April 17, 1900) and "Parcel No. 5," Mauga-'o-Ali'i (6 acres, 1 rod, 22 perches: the future site of Government House) from William Cooper for the sum of \$1,000.00.

On August 28, 1952, the first course of rudimentary training in legal principles in American Samoa was held in Fagatogo. Sponsored by the Attorney General's Office, the class included "more than 30 Samoan chiefs and young men, who have since become regular members of the class."

On August 29, 1914, after breakfasting on tinned beef, bread and tea, the New Zealand Expeditionary Force's landing force, commanded by Lieutenant Colonel Robert Logan of the New Zealand Army, occupied German Samoa with 1,473 men. Governor Erich Schultz-Ewerth destroyed the Apia radio station "to keep it out of British [*i.e.*, New Zealand] hands." The first British Commonwealth officer to land on enemy territory in World War I was Lieutenant Edward Church, paymaster of the New Zealand cruiser HMS *Psyche*, who was instructed to carry Force Commander Admiral Sir George Patey's "unconditional surrender" demands to the German representatives. Governor Schultz had left town "to attend a conference of orators and chiefs." Acting Governor S.N. Rimberg surrendered after many delays, and the New Zealand troops landed unopposed. Not a single shot was fired by either side. One New Zealand soldier, writing a letter home, said that it was "a tame affair."

On August 29, 1941, Pita Fiti (later Tauese) Sunia, American Samoa's third elected governor, was born in American Samoa.

DOE school bus inspections complete, fleet ready to go for first day of school

Director of Education Dr. Claire Tuia Poumele and DOE school bus official Lauvania Finau were joined by Representatives Puletu Dick Koko (Fofu County) and Fetu Fetui Jr. (Manu'a District) to conduct a thorough inspection of school buses that will be used to transport an estimated 20,000 public school students beginning Monday, August 25, when the new school year begins.

Altogether, a total of 27 school buses were inspected, although Poumele explained that there were 7 more school buses parked at the DOE compound that would be up and running when school starts.

The upgraded DOE school bus fleet includes both old and new school buses. Another 6 new school buses are scheduled to arrive in the territory later this year. (The new buses were purchased with \$1 million from the ASG's \$20-million-dollar loan from the ASG Employees' Retirement Fund).

In addition to Tutuila, the students of the Manu'a Islands will also have access to school bus transportation for the new school year.

Finau thanked Poumele for her efforts in getting the DOE fleet ready for the new school year. She also thanked Governor Togiola Tulafono for his support in ensuring that there is adequate and safe transportation for the school children of both Tutuila and Manu'a.

According to Poumele, the Department of Education has taken all the necessary steps as far as getting the school buses ready and they are fully prepared for the beginning of the new school year.

Former DOE director Malaetele Tuitele honored with posthumous award from PREL

Late Director of Education Malaetele Dr. Lui Tuitele was recognized with a posthumous award by the Pacific Resources for Education and Learning (PREL) during the DOE's general assembly to officially open the 2008-2009 school year. (PREL is an independent, non-profit corporation that serves the educational community in the U.S. - affiliated Pacific islands, the United States, and other countries throughout the world).

Malaetele was honored with a certificate and appreciation award for his "dedicated leadership and committed service to the children of the Pacific in support of PREL's mission of 'Building Capacity Through Education'."

The award, dated March 21, 2008, was signed by PREL president and CEO Dr. Thomas W. Barlow and chairman of the board of directors, Father James P. Croghan.

A plaque featuring Malaetele's photo reads in part: "We are honored and grateful for the opportunity to have worked with you...Your quiet and gentle leadership will be missed enormously."

Malaetele's wife Melania, an educator herself, was presented the plaque by DOE director Poumele who is also a member of the PREL board of directors.

Governor Togiola explains situation regarding money used for school bus purchase

Governor Togiola Tulafono says that the \$1 million used to purchase ten new school buses for the local Department of Education came after an agreement with the Fono leadership.

The Governor addressed the issue during his weekend radio program, saying that he wanted to offer clarification on misleading statements and incorrect claims made by some local lawmakers regarding the situation.

The Governor said he was surprised when questions were raised during the Fono session about the use of the \$1 million to purchase the school buses as according to him, all the proper requests were made to the Fono in advance, and the Administration didn't make any moves without prior consent from the Legislature.

(The \$1 million in question is part of the \$20-million-dollar ASG loan from the American Samoa Government's Employees' Retirement Fund).

It was Senate President Lolo Moliga and House Speaker Savali Talavou Ale who made the agreement, in principle, with Governor Togiola during a meeting earlier this year in May when Togiola sought their support to use the funds to buy school buses.

Media reports last month quoted the Fono leadership as saying that the Administration was submitting legislation to amend the \$20-million-dollar loan law, to add the school buses as one of the ASG projects to be funded with the loan money.

To date, the bill is yet to be introduced in either Fono chamber.

This has caused negative reactions from some lawmakers, including Chairman of the House Budget and Appropriations Committee Rep. Laolagi Fonoti Savali Vaeao who said he was surprised to hear from the DOE director that the Fono approved \$1 million to purchase the school buses when in fact, no such measure was presented to the Fono.

In the upper chamber, several senators expressed their full support of the new school buses but also voiced their disappointment that the \$1 million was allocated without full approval of the Fono.

Togiola explained during his radio program that ASG needed to move quickly to secure the purchase of the new buses, especially the four larger ones which originally cost more than \$100,000 but were purchased by ASG for no more than \$90,000 each – adding up to big savings for the government.

LBJ Medical Center approved for five-year extended repayment program

LBJ Medical Center's request for a five-year extended repayment program (ERP) to pay off the \$9 million it owes to the Medicare Program has been approved by the Center for Medicaid and Medicare Services (CMS).

The territory's only hospital has been making monthly payments of \$211,000 on the debt, so as not to jeopardize Medicaid funding and grants from the US Department of Interior – both of which are major federal funding agencies for LBJ Medical Center.

If the ERP had been denied, LBJ Hospital would have had to repay the entire debt amount at once.

LBJ Chief Executive Officer Patricia Tindall says they are able to make the monthly payments but this has resulted in them being strapped for cash, meaning that the purchase of any new equipment is delayed.

Because there is no interest rate being added to the total debt, the LBJ is hopeful that the Fono would approve an allocation for additional funding to help in paying off the debt as soon as possible.

Earlier this year in May, the Administration submitted a bill authorizing the American Samoa Medical Center Authority to borrow money from financial lending institutions. The bill also proposed forgiving the \$5-million-dollar loan the LBJ received from the ASG back in 2003.

The Governor stated that considering the continuing financial distress that ASMCA is experiencing, it is proper and appropriate that the debt be discharged and cleared from the books, to improve the hospital's financial position.

According to Togiola, forgiving the debt would allow the LBJ to help pay off the \$9 million it owes to CMS, and the amendment that allows the ASMCA to borrow funds will provide the hospital with means to provide its own solutions to its problems on a day-to-day basis.

Senate resolution seeks assistance with limited programming on KVZK-TV

A Senate resolution addressing the limited programming on KVZK-TV has passed in its first reading.

The resolution requests assistance from Congressman Faleomavaega Eni in removing existing impediments that are limiting television broadcast for the Armed Forces Network (AFN) in the territory, as well as obtaining approval for KVZK-TV to receive and air all available AFN programming in American Samoa.

The resolution was drafted following complaints from lawmakers that a number of popular programs like sports, international and national news, and other global events like the 2008 Olympic Games are not carried by KVZK-TV because of restrictions put in place by AFN.

Some senators say that while there is cable service available to pick up sports programs and live international and national news, there are still numerous households that don't have cable service, as several local residents simply cannot afford such a luxury.

There is enough money to buy 3 new police vehicles for Manu'a

After differences in opinion and questions about funding, a conference committee composed of three members each from the Senate and House of Representatives have finally agreed to purchase 3 new police vehicles for the Manu'a Islands. (The original language of the bill, which was initiated by the Administration, requested the purchase and outfitting of 2 new police vehicles. The conference committee was formed after the House rejected the Senate's changes made to the lower chamber's version of the bill).

It was the House that approved the original bill which appropriated \$67,000 to purchase two new police vehicles for Manu'a. But when the bill made its way to the Senate, the upper chamber amended the bill, allocating \$102,367.86 to purchase 3, not 2, police vehicles.

The main concern expressed by House members was the issue of adequate funding. The funding source for the bill is the special law enforcement account that is funded by the \$10-dollar traffic fees collected by the District Court.

According to testimony from ASG Treasurer Gaea Perefoti Failautusi, the account in question has a balance of \$102,367.86 which is enough to buy three vehicles.

The conference committee's resolution now heads to both chambers where full membership has to issue approval prior to the third reading of the final language of the legislation.

The version of the bill that gains approval from both the Senate and the House will be submitted to Governor Togiola.

Manu'a District Governor recommends elder chiefs to serve as Samoan judges

Manu'a District Governor Tufele Li'amatua has recommended to Senate members that Samoan judges serving in the High Court of American Samoa should be elder chiefs whose appointments should include input from the Office of Samoan Affairs, which deals mainly with cultural and matai title issues in the territory.

Tufele suggested that appointed Samoan judges be between 50 and 55 years old, or older.

Tufele made the comments when he appeared alongside Eastern District Governor Gaoteote Tapatonu to testify before the Senate Committee of the Whole on a proposed bill dealing with matai titles.

The bill is sponsored by Senators Tualo Vaivao Manaia and Alo Dr. Paul Stevenson.

During his testimony, Tufele told senators he noticed that Samoan judges being appointed and confirmed are of young age and although their educational background and service are unquestionable, he believes these young judges are not fully versed on all aspects of Samoan culture and traditions, namely matai title issues.

A couple of senators expressed their agreement with the suggestion, saying that older judges have extensive service to their families and possess a greater understanding and knowledge in dealing with certain aspects of the Samoan culture and matai system.

Tufele said he believes that Office of Samoan Affairs should have a say in the appointment of Samoan judges, and he suggests that Samoan Affairs be consulted regarding the appointment of a Samoan judge prior to its submission for confirmation in the Senate.

Both Tufele and Gaoteote support the intent of the bill in question, which states that in the event of an appeal in a matai case, the prevailing party shall be entitled to recover costs and reasonable attorney fees incurred in the appeal to be assessed by the High Court against the non-prevailing party.

The bill states that "In a disputed case, no matai title shall be taken or bestowed and no saofa'i held until the High Court has entered a final, non-appealable order certifying the successor."

The bill's co-sponsor and retired Samoan judge Senator Tualo explained that it has been practice in the past (when he served on the bench) and even now, that while the challenger of a title knows he/she will not succeed in the appeal, he/she still goes forth with the appeals process.

Governor, Chief Justice, and Fono leaders invited to Congressional hearing

Governor Togiola Tulafono, Chief Justice F. Michael Kruse, Senate President Lolo Moliga, and House Speaker Savali Talavou Ale have been invited by Congresswoman Donna Christensen to attend a hearing set to be held in the Nation's Capitol on September 18.

Christensen is chairing the US House Subcommittee on Insular Affairs hearing to hear local testimony on the federal Government Accountability Office (GAO) report entitled: "Issues Associated with Potential Changes to the Current System for Adjudicating Matters of Federal Law."

The hearing is based on last month's request by Congressman Faleomavaega Eni Hunkin who wanted the subcommittee to hear directly from local leaders concerning their views on the GAO report and how Congress can address the report in the future.

Witnesses are being asked to submit written statements two days prior to the hearing.

After a decade of planning, Nuuli village's "Papatai" road project finally breaks ground

Governor Togiola Tulafono, along with Cabinet members and leaders of Nuuli village came together last week to break ground for the long awaited Papatai road project that was, according to the Governor, developed about a decade ago and re-designed as many as four times during that time period.

The Governor expressed his joy that the project will finally become a reality.

He thanked George Poyski, manager of Samoa Maritime, the contractors who will be carrying out the job. Togiola said it's not often that contractors offer to bid for small projects such as this because of the limited amount of money involved but he is thankful to Samoa Maritime for their commitment to the job, and he is confident that the end result will be wonderful.

Public Works director Taeaotui Punafo Tilei offered explained that the project will run from the main road going back into Papatai (near Paea's Store), ending where it splits into two separate directions.

He said that the plans for the project were discussed many years ago when the late Governor Tauese Sunia was in office, with Governor Togiola serving as Lt. Governor at the time.

According to Taeaotui, the delay in the project was due to the extensive work carried out by his office, work that involved talking to villagers as well as Samoan Affairs to ensure that everyone was content about the project and there would be no disputes over the land involved.

Poyski expressed his appreciation to the Department of Interior for providing the funds to pay for the job, and he also invited everyone to contact him if there were any questions, comments, and concerns regarding the project - before and during the work.

Different agencies refused entrance to unwanted pests and diseases during recent Arts Festival

Thanks to meticulous work by the Department of Agriculture's Quarantine Division and assistance from the Secretariat of the Pacific Community (SPC) and the American Samoa Community College's Division of Community and Natural Resources (CNR/Land Grant), unwanted agricultural pests and diseases were not among the many visitors permitted to enter the territory during the recent 10th Festival of Pacific Arts.

Prior to the Festival, local quarantine officers were prepared to tackle the task of preventing new agricultural pests and diseases from entering the territory either through cargo or in the numerous handicrafts that were brought into the territory during the two-week festivities.

Quarantine officers were diligent in enforcing a 100% inspection policy by meeting airplanes and boats that entered the territory's ports of entry during all hours of the day - and night - transporting Festival delegates and their belongings to ensure that each visitor was in compliance with Festival guidelines which were developed by the SPC and distributed in advance to all the Festival delegations.

The guidelines specifically prohibited the importation of high risk plant and animal materials.

Altogether, a total of 24 interceptions of infested items containing approximately 57 species of animals and plant seeds were made. Intercepted items were either destroyed or treated prior to release.

According to reports, one interception from Australia contained 64 exotic invasive snails of three different species that are among that nation's worst agricultural pests. In addition, a bag of fruits that was carried by a passenger from Tonga contained the Tongan fruit fly, which is the island nation's most damaging fruit fly pest.

A passenger from Guam was carrying a bag of betel nut which was found to contain four species of scale insects. One of the four is not known to American Samoa and is a serious pest of citrus and other trees elsewhere.

Had any of the named pests made it past the quarantine officers and permitted to make an established presence in the territory, the consequences to local agriculture could have proved to be very damaging.

Federal FY 2008 grant awards released to ASDOE and DOH, with special conditions

Because of failure in reporting accurate data, the Office of Special Education Program (OSEP) of the United States Department of Education is imposing special conditions on federal FY 2008 funding for the American Samoa DOE.

This is according to a letter dated August 4 to Director of Education Dr. Claire Poumele from OSEP acting director William Knudsen who said that American Samoa is not collecting and reporting accurate data regarding the participation and performance of children with disabilities on statewide assessments.

The territory's FFY 2008 IDEA Part B grant award for the ASDOE is being released with special conditions as noted in the USDOE's July 21 letter to Governor Togiola Tulafono explaining the territory's high risk designation.

Knudsen says American Samoa must provide specific assurance that the Part B grant will operate consistent with all applicable regulations. Funding for the local department is administered locally by Part B of the federal Individuals with Disabilities Education Act (IDEA).

According to Knudsen, American Samoa will make required changes to existing policies and procedures as necessary, in order to bring them into compliance with the requirements of Part B of the IDEA as soon as possible, and no later than June 30, 2009.

The USDOE has given American Samoa until June 1, 2009 to comply with the provision that requires the territory to collect and report - publicly and to the Secretary of Education - accurate data on the participation and performance of children with disabilities on statewide assessments.

Other special conditions include having an Oversight Agency and the monthly posting of budget and expenditure information on an internet website available to the public.

In addition to the local DOE, the Department of Health also receives IDEA funding under the Part C program. The USDOE has approved funding for FFY 2008 for DOH, but OSEP is also imposing special conditions on the release of funds.

Special conditions include those cited in the same aforementioned July 21 letter to the Governor.

The USDOE is requiring both the local DOE and DOH to provide assurances that they will be in full compliance with all aspects of federal law to provide assistance to individuals, including children with disabilities.

For example, in education, states and territories are to provide free appropriate public education to all children with disabilities between 3 and 21 years old, inclusive, including children with disabilities who have been suspended or expelled.

It is unclear how much the local DOE will be receiving for FFY 2008 but the total grant award for DOH is \$582,117.

In the meantime, OSEP will continue to monitor the progress for both DOE and DOH to ensure that they are in full compliance with the provisions of the grant awards.

Governor submits proposal that calls for changes to the District Court

The Fono has received a proposal submitted from Governor Togiola Tulafono that seeks to increase the civil jurisdiction of the District Court and clarifies the power of the District Court judge with regards to arrest warrants.

In a letter to the Fono leadership, Togiola explained that the proposed measure also allows for varying terms of detention as a condition of probation for misdemeanor offenses.

The proposal is being prepared into bill format for introduction in both the Senate and the House of Representatives.

Currently, local law obligates the High Court to hear all civil claims in excess of \$5,000 but according to the Governor, these claims constitute a significant portion of the court's calendar and are taking a toll on its limited resources.

Under the proposed bill, the bulk of these matters can be heard in the District Court, hence freeing up the High Court to concentrate on civil claims over \$15,000 as well as its land and matai title matters, among other issues.

With regards to arrest warrants, Togiola said the District Court judge has been issuing arrests warrants in his capacity as Acting Associate Justice of the High Court, although the High Court by opinion has ruled that a District Court judge may issue arrest warrants.

"The lack of proper codification of this authority may lead to some ambiguities and give rise to challenges in the future," the Governor wrote. "With this new law, we have the opportunity to put to rest any questions and do away with any uncertainties that may exist."

According to Togiola, the proposed legislation would also give a sentencing court the authority to order varying periods of detention as a condition of probation for the three classes of misdemeanor offenses.

Currently, a sentencing court may only require a period of not more than 15 days but the Governor's proposal would allow a higher period of detention depending on the severity of the crime.

Togiola explained, "In addition to its rehabilitative advantage, it also gives the sentencing court the ability to have closer supervision of its probationers over longer periods of time, which is expected to lead to a decrease in recidivism, especially in those offenses which involve alcohol and domestic violence."

Territory's Beijing artists meet with Governor... *(continued from page 4)*

During last week's meeting with the Governor, Claire Painter, Zachary Faulkner, and Oliver Mortenson presented stories and pictures from the trip. The traveling students to Beijing were Jennifer Kim, Zachary Faulkner and Havasina Mortenson. Due to health developments enroute to Beijing, the youngest artist, Claire Painter was unable to make the final leg of travel to China.

Zachary Faulkner described the trip as "life changing," saying they got the opportunity to compare China to our beautiful paradise. "And I have to say that it is a blessing to be in American Samoa," he added. "Painting with Wyland gave me the inspiration to bring marine awareness to the people of Samoa."

The youth presented a commemorative plaque to the Governor depicting the Great Wall of China, one of the many sites the delegation visited during their trip.

The Governor encouraged the kids to pursue art and science and to make a positive contribution to the territory. The Governor said, "You've been able to leave our small island and join young people of the world to paint in such a historic setting in Beijing... You were sharing our art with the rest of the world. Congratulations to you and thank you for doing that for all of us."

ASCC Students at Broadway Theatre Project... *(continued from page 2)*

One day we got to free-style lyrics to beats that we created in class, which I especially enjoyed.” Tuasivi called the trip “an eye-opener to hidden talents” and said, “I’ve improved with my singing skills after meeting so many successful directors, actors and singers who helped me.” Gallace related how the natural talents of the ASCC group occasionally gave the BTP staff cause to marvel. “The dance faculty told me they felt taken aback that Johnny Saelua had very limited training in dance,” she recalled. “Everyone thought he had studied for years.” Saelua himself reflected, “They mix pleasure with pain during the program, but to participate as an apprentice at ‘the most prestigious performing arts program in the world’ made me feel really honored.”

The ASCC group shared a part of their homeland with the BTP by presenting a special Samoan cultural performance for the entire faculty, staff and student body, exposing many of them to Pacific artistic expression for the first time. “The Director of the program, Debra McWalters, had tears in her eyes because the performance touched her so deeply,” said Gallace. To view photos from the ASCC presentation online, go to the web page: http://photosatyourplace.com/BTP2008/Samoan/page_01.htm.

Now back home, Gallace and her students will begin preparations for the next ASCC productions, “The King and I” this fall, and in spring 2009, “The Lion King”. On the selection of “The King and I”, Gallace explained, “Besides his interest in auditioning Shane Ta’afua, Jay Binder said there may be opportunities for other young actors from American Samoa when he casts this same play sometime next year. Our production of ‘The King and I’ will give Binder something he can review on DVD, and if other cast members here stand out as especially promising, then Binder may find roles for them.”

For members of the community interested in supporting the efforts of ASCC students to develop their talents in the theatrical arts, Gallace reminds the public that her department can always use any sponsorships towards projects such as providing scholarships, inviting professionals to hold workshops, and arranging for four-year performing arts institutions to hold auditions locally. “We’ve received crucial support so far from many members of the public and private sectors, too numerous to mention at one time, and we hope they share our pride in the results of their generosity. Our young people have so much natural artistic talent which they could turn into careers with the right guidance, and they can accomplish this if their community stands behind them.”

Speaking of community involvement, Gallace has one potential supporter she wishes would notice the abundance of singing, dancing and acting talent among American Samoa’s young adults. She said, “If anyone knows how to contact Dwayne ‘The Rock’ Johnson, he might have an interest in contributing towards developing all this natural talent here. A lot of our aspiring performers already look up to him as a role model, so even if he could just speak to the students and give them some advice on how to find work in film or television, it would really inspire them. I often think of how much good The Rock could do for the development of these young artists if he wanted to get involved.”

The Rock, or any other interested patrons, can contact Carmela Gallace through ASCC, or by emailing c.gallace@amsamoa.edu. For more information on the Broadway Theatre Project, visit www.broadwaytheatreproject.com (note that they use the British spelling, i.e. “theatre”).



ASCC student Milton Manase is seen here performing the lead role in last year's ASCC production of "Fiddler on the Roof". This summer, Milton attended the three-week training program held by the Broadway Theatre Project in Florida. (Photo: J. Kneubuhl)



ASCC students perform a special Samoan Cultural Presentation during this summer's Broadway Theatre Project training program in Florida last month. (l-r) Daniel Helsham, Ruth Lynn Tuasivi and Johnny Saelua. (Photo Courtesy BTP)

Proposed legislation calls for mandatory drug testing of public servants

Ituau Malosi faipule Rep. Taotasi Archie Soliai has introduced legislation that would mandate applicants, employees, elected officials, and independent contractors of the American Samoa Government to submit to drug testing.

Legislation calling for drug testing to be administered for government workers have been introduced in the past but this is the first time political appointees, elected officials, and independent contractors are being included.

Federal employees working in the territory are exempt from the drug testing proposal.

The bill states that an employer may require an applicant, appointee, elected official, employee, or independent contractor to submit to a substance abuse test only under circumstances that include the following:

- The employer has made a conditional job offer to the applicant, and the same test is required of all applicants conditionally offered employment for that position;
- Adequate notice is given and the person is asked to submit to a random test to which all similarly situated persons are equally subject;
- The employer has a reasonable cause to believe that the person is under the influence of drugs or alcohol;
- A personal injury has happened or been caused to happen to another person to sustain injury, or a work-related accident has occurred and the employer has reasonable cause to believe that it was the result of being under the influence of drugs or alcohol;
- The employer's work rules of possessing or using drugs while on work premises or using work-related property has been violated.

The bill gives the authority to the ASG Personnel Advisory Board to establish procedures for, investigate, and resolve any dispute concerning the designation of an appropriate bargaining unit and application to specific employees and position.

In addition, the measure provides that testing procedures, including what happens when a test is positive and the test results, are not to be released without the written approval of the individual being tested.

Governor Togiola clarifies rumors about ASG's role in Laufou judgment

Governor Togiola Tulafono defended the Department of Public Safety's Fire Bureau during his weekend radio program, saying that blame should not be placed on them for the \$6.6-million-dollar judgment handed down by the High Court against the American Samoa Government as a result of the 2002 fire that completely destroyed the former Laufou Shopping Center in Nu'uuli.

The Governor said he wished to clarify incorrect claims and misleading statements made by some Fono lawmakers regarding the issue. According to the Governor, the Fire Bureau is not at fault, as firefighters performed their duties well, although there might have been some minor setbacks which could be considered usual.

He explained that when the case went to court, the biggest problem for the ASG was that their attorney, who was hired from off island, failed to do the right thing in defending the government by using all the correct written information and statements. Instead, said the Governor, the attorney took other actions based on a mutual relationship with the lawyer for the insurance company.

The Governor said the two attorneys reached an agreement of some sort, which later made it difficult for the Attorney General's Office and other new government attorneys to rectify the situation as the case progressed into later stages through the judicial system.

In addition to the Governor, Acting Police Commissioner Filifaatali Mike Fuiava also defended the DPS Fire Bureau, saying he is saddened that during the court case and throughout all the heated debates and discussions pertaining to the Laufou Fire, not once was he called upon to testify and offer his department's side of the story.

In the meantime, the Laufou judgment remains one of the hot topics of discussions in the Legislature.